

## REMARKS

In the non-final Office Action mailed January 31, 2006, claims 17-24 were rejected under §101, claims 1, 3-7, 9, 11-15, 17 and 19-23 were rejected under §102(e) as being anticipated by Raman, and claims 2, 8, 10, 16, 18 and 24 are rejected under §103(a) as being unpatentable over Raman in view of West.

The Applicant respectfully disagrees with the rejection under §101 and asserts that code on transmission media may indeed be patentable subject matter. However, in order to advance prosecution of this application, paragraph [42] has been amended and the Applicant respectfully requests that the rejection under §101 be withdrawn.

In addition, claims 1, 9 and 17 have been amended by incorporating the elements of claims 4, 13 and 21, respectively, to more clearly highlight a significant difference between the cited references and the claimed invention. In the rejection of claim 4 (and, by extension, claims 13 and 21), the Office Action asserts that Fig. 5 and paragraphs [0061] and [0081] of Raman disclose that an "error associated with command from first initiator is handled and system proceeds" and an "error associated with command from second initiator is handled and system proceeds." The Office Action thereby concludes that Raman discloses "preventing errors associated with a command directed to the target device from one of the first initiator and the second initiator from affecting access to the target device by the other of the first initiator and the second initiator". However, a closer examination of Raman reveals that, although the errors are handled, errors from one do affect access to the target by the other. In particular, the last two sentences of paragraph [0081] state:

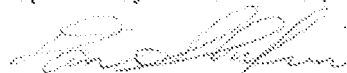
When the secondary data storage system detects such an overflow condition, a flow control error recovery procedure is activated. This error recovery procedure, for example, involves suspending write operations by the primary host processor, re-synchronizing the file system secondary storage with the file system primary storage, and restarting the delta volume facility. [emphasis added]

The described error recovery procedure affects access so completely that access (write operations) is suspended. Consequently, Raman does not, in fact, disclose or even suggest that "... errors associated with a command directed to the target device from one of the first initiator and the second initiator [are prevented] from affecting access to the target device by the other of the first initiator and the second initiator" as recited in the amended claims. Moreover, no combination of Raman and West discloses or even suggests the elements recited in claims 2, 8, 10, 16, 18 and 24. Thus, the independent claims 1, 9 and 19 are believed to be allowable and their respective dependent claims are also believed to be allowable based on the allowability of their base claims.

For the foregoing reasons, the Application is believed to be in condition for allowance and a favorable Office Action is requested. The Examiner is encouraged to contact the undersigned by telephone if a conversation would expedite prosecution of this case.

This constitutes a request for any needed extension of time. No fee is believed to be due in this instance. The undersigned hereby authorizes the charge of any deficiency of fees submitted herewith, or the credit of any overpayment, to deposit account number 09-0449.

Respectfully Submitted,



\_\_\_\_\_  
Dan Shifrin, #34,473  
Law Office of Dan Shifrin, PC  
14081 West 59<sup>th</sup> Ave.  
Arvada, CO 80004  
303-403-4510

cc: IBM - Tucson